UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,520	03/17/2004	Andrew Fraser	040225-000000US	5488

20350 7590 04/19/2007	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP	OMOSEWO, OLUBUSOLA	
TWO EMBARCADERO CENTER		
EIGHTH FLOOR	ART UNIT	PAPER NUMBER
SAN FRANCISCO, CA 94111-3834	2168	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/803,520	FRASER ET AL.
	Examiner	Art Unit	
	OLUBUSOLA ONI	2168	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02/02/2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 3-21 and 24 are* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 3-21 and 24 are* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

Response to Amendment

1. This action is responsive to communications: Amendment filed on 02/02/2007

2. Claims 1, 13, 16 have been amended. Claims 2 and 22-23 have been cancelled.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Boe et al. (Patent No. U.S. 6,236,975).

For claim 1, Boe teaches "a data management system for identifying patterns in data, the system comprising a host computer having an analysis engine for analysing relationships between responses made by a user to questions relating to a service or products (Col. 1, lines 58-67, Col. 4, lines 25-60), in which the analysis engine analyses

responses made by a user to one or more constructs using a process of fuzzy

entailment"(Col. 2, lines 60-Col. 3, lines 42).

For claim 3, Boe teaches " each construct includes two distinct descriptive terms

relating to things provided to users by operators of the system" (Col.12, lines 62-Col. 13,

lines19)

For claim 4, Boe teaches "descriptive terms of each construct represent contrasting

opinions of the thing"(Col.12, lines 62-Col. 13, lines19, Col. 16, lines 24-43)

For claim 5, Boe teaches "which obtains data from a user that represents a user's

opinion of the thing in a range defined by the descriptive terms"(Col. 5, lines 1-9)

For claim 6, Boe teaches "in which there is defined a number of discrete selectable

steps within the range, that number being referred to as a mesh"(Col. 10, lines 34-50)

For claim 7, Boe teaches "in which the mesh is adjusted in reaction to inputs made by

users"(Col. 10, lines 34-50, Col. 11, lines 30-52)

For claim 8, Boe teaches "in which the mesh is iteratively reduced until a minimum

mesh value that yields a meaningful result is identified"(Col. 10, lines 34-66)

For claim 9, Boe teaches "in which the construct is represented by visual control

displayed in a graphical user interface on a computer screen"(Col. 10, lines 34-67)

For claim 10, Boe teaches "in which the user can input a value representative of their

opinion by adjustment of the position of the control"(Col. 10, lines 34-50)

For claim 11, Boe teaches "in which the results of the analysis are used to deduce

which items of information will be of interest to a particular user"(Col. 6, lines 29-67)

For claim 12, Boe teaches "in which the system executes on a server that

communicates with a user over a network link"(Col. 8, lines 32-53)

For claim 13, Boe teaches "a user data input component that executes on a remote host

system"(Col. 4, lines 1-30)

For claim 14, Boe teaches "in which the data input component is represented in the

display generated by a web browser"(Col. 10, lines 9-67)

For claim 15, Boe teaches "in which the data input component is generated by an applet

that is downloaded to the remote host from the server"(Col. 3, lines 44-Col. 4, lines 24)

For claim 16, Boe teaches "in which the data is obtained through use of a repertory

grid"(Col. 3, lines 15-22, Col. 4, lines 39-60).

For claim 17, Boe teaches "in which incomplete data is processed by matching those parts of the data that are present with characteristics of existing data"(Col. 13, lines 1-58)

For claim 18, Boe teaches "in which the incomplete data is subject to discriminant analysis"(Col. 13, lines 1-58)

For claim 19, Boe teaches "in which data is subject to a process of linearisation prior to its being analysed"(Col. 5, lines 4-30)

For claim 20, Boe teaches "in which the process of linearisation includes conversion of non-numeric data to a numeric form"(Col. 3, lines 15-22)

For claim 21, Boe teaches "in which users are the customers of a business and the output includes predictive information as to the future purchasing behaviour of the customers"(Col. 12, lines 62-67, Col. 13, lines 1-19)

For claim 24, Boe teaches "a network server system operative to serve web pages to remote clients comprising a web server for generating HTML code to be rendered on a remote browser and an analysis server that implements a data management system

according to claim 1, the data management system deriving input data from analysis of

a user's interaction with one or more rendered web pages" (Col. 4, lines 25-60)

Response to Argument

5.   Applicant's argument filed January 02, 2007 has been fully considered but they

are not persuasive. The examiner respectfully traverses applicant's arguments.

As per claim 1, applicant argued that Boe's teachings does not permit a user to enter

one or more constructs. However, applicants did not claim **permitting a user to enter**

one or more constructs anywhere in the claim limitation. Claim 1, indicated

"analysis engine analyses responses made by a user to one or more constructs".

However, Boe's teaches this limitation at Col. 1, lines 58-67, Col. 4, lines 25-60, wherein

the users response is analyzed based on a survey for products and services.

Applicants also argued that Boe does not teach using a process of fuzzy entailment. On

the contrary at Col. 2, lines 60-Col. 3, lines 42 Boe's teachings customers feedback to

survey questions are analyzed and ranked based on both their feedback and other

customers feedback, However, the survey system enables the customer to know where

they stand relative to other customers demographics and survey response in other to

present product and service information to the customers (Col. 4, lines 39-51). Thus

teachings are synonymous to applicant's teachings of Fuzzy entailment; which allows

ordinal ranking and splits users based on those receiving strong or weak

recommendations.

As per claim 3 and 4, applicant argued that Boe does not teach "each construct includes two distinct descriptive terms relating to things provided to users by operators of the system" and "descriptive terms of each construct represent contrasting opinions of the thing". On the contrary at Col.12, lines 62-Col. 13, lines19, Col. 16, lines 24-43 Boe teaches a customer completes a survey, however, the survey has different conditions including the "What-if" condition which is the opposite of the "IF" condition (which are both descriptive terms). Therefore the customer completes the survey based on conditions. During a survey if a customer responds to questions on rent (IF condition), questions on mortgage will not be presented. However, the "What-if" condition allows the customer to see what would have been presented in the feedback page if the customer took the survey/ answered questions regarding a mortgage, the "What-if" page also allows the customer to make changes by making a different selecting. Thus 35 U.S.C 102 rejection is maintained.

CONCLUSION

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to OLUBUSOLA ONI whose telephone number is 571-272-

2738. The examiner can normally be reached on 10.00-6.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, TIM VO can be reached on 571-272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OLUBUSOLA ONI   *KBP*
Examiner
Art Unit 2168

TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100